

JUL 06 2005

60.130-1885; 02MRA0391

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Weber  
Serial No.: 10/701,997  
Filed: 11/5/2003  
Examiner: Schwartz, Christopher P.  
Art Unit: 3683  
Title: Temperature Control System for Air/Oil Shock  
Absorber Module

M/S Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Dear Sir:

In response to the Examiner's Answer mailed June 2, 2005, applicant hereby provides the following additional arguments.

The examiner appears to argue that the combination of Harrison and Sakai, et al. do meet the claims. It appears the examiner's argument acknowledges that the check valves leading to the suspension component in Harrison would prevent any air from being exchanged within the shock absorber immediately when the valves 25/28 of Harrison open. The examiner's argument appears to be that the changing of the air within the reservoirs of Harrison would ultimately "change" any air that may be delivered to the suspension component of Harrison as modified by Sakai, et al. That is, the Harrison reference may not change the air in the suspension component, but it would change the air delivered to the suspension component.

This is an unfair reading of the claims as applied to claim 1. Claim 1 requires that there be a control for avoiding an undesirably high temperature "within said air volume." The claimed

60,130-1885; 02MRA0391

air volume is defined by an air spring. The examiner's argument that the air being supplied to the air spring having its temperature controlled would meet this limitation ignores the portion of claim 1 following the above quoted portion, which states that the undesirably high temperature within the air volume is avoided "by replacing hotter air with cooler air." That is, the air must be "replaced" within the air spring air volume. Nothing in Harrison would do this.

More importantly, this argument by the examiner completely destroys any argument with regard to claims 2-5. Claim 2 requires that there be a temperature responsive valve that "opens to allow air to leave said air volume if a predetermined temperature is reached." This claim requires specifically that air is allowed to leave the "air volume." The examiner's interpretation of Harrison simply falls apart at this point and no longer can possibly meet the claims. The check valves as mentioned destroy any interpretation of Harrison which could meet the claims 2-5.

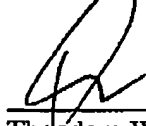
Claims 3 and 4 are ultimately dependent to claim 2, and claim 5 includes a similar limitation.

In sum, the examiner's interpretation of Harrison and argument to meet claim 1 destroys any ability to reject claims 2-5. Even so, it is also an improper reading of the claims as applied to claim 1.

Reversal of the rejections is in order, and is earnestly solicited.

Respectfully submitted,

**CARLSON, GASKEY & OLDS**



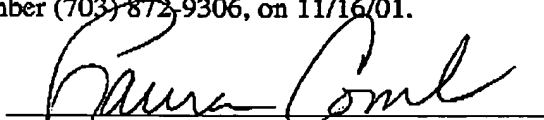
Theodore W. Olds, Reg. No. 33,080  
400 W. Maple, Suite 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: July 6, 2005

60,130-1885; 02MRA0391

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on 11/16/01.

  
Laura Combs